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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,687	09/08/2003	Salvatore Rea	2002L007A	1241

7590
Infineum USA L.P.
Law Department
1900 East Linden Avenue
P. O. Box 710
Linden, NJ 07036-0710

EXAMINER

NERANGIS, VICKEY MARIE

ART UNIT	PAPER NUMBER
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1796

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09/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10657687	9/8/2003	REA ET AL.	2002L007A

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VICKEY NERANGIS

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20090903

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Commissioner for Patents

Given that entry of an affidavit after filing of an Appeal Brief requires both that it overcomes all rejections of record and good and that sufficient reasons why the affidavit was not earlier presented must be had, the affidavit is not entered on the basis that it does not overcome all rejections of record despite a basis for the latter. Specifically, the examples only include blends of ethoxylated C4-C18 alkyl phenol having 2-10 moles of ethylene oxide per mole (rust inhibitor (i)) and C8-C22 alkyl or alkenyl succinic acid or anhydride (rust inhibitor (iv)) and not rust inhibitors (ii) or (iii) like presently claimed. There is no basis or data on the record that unexpected results for rust inhibitor (i) would be necessarily present in rust inhibitors (ii) or (iii). Furthermore, it is not the examiner's position that "every possible embodiment of the rust inhibitor system" be exemplified by appellant. Rather, it is the examiner's position that examples include rust inhibitors represented by rust inhibitors (ii) or (iii). Second, only a 50:50 blend is exemplified, wherein it has not been established if the unexpected result with rust inhibitor (iv) is also present when mixed in ratios not 50:50 such as 95:5 or 25:75.

/Vickey Nerangis/
Primary Examiner, Art Unit 1796